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14BT-CV01782 - JO ANN JOHNSON V GEICO CASUALTY COMPANY (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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10/20/2014

[Agent Served](#)

Document ID - 14-SMCC-622; Served To - GEICO CASUALTY COMPANY; Server - SO COLE COUNTY-JEFFERSON CITY; Served Date - 14-OCT-14; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Left copy with designee, Kim Lauteus.

10/02/2014

[Summons Issued-Circuit](#)

Document ID: 14-SMCC-622, for GEICO CASUALTY COMPANY. SUMMONS ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE NET. sg

[Case Review Scheduled](#)

Scheduled For: 04/13/2015; 9:00 AM ; MICHAEL MARTIN PRITCHETT; Butler

[Filing Info Sheet eFiling](#)

Filed By: KYLE L WARREN

[Note to Clerk eFiling](#)

Filed By: KYLE L WARREN

[Pet Filed in Circuit Ct](#)

Petition.

On Behalf Of: JO ANN JOHNSON

[Judge Assigned](#)

Case.net Version 5.13.4.11

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Released 07/25/2014

Electronically Filed - Buller - October 02, 2014 - 10:25 AM

**IN THE CIRCUIT COURT OF BUTLER COUNTY, MISSOURI**

JO ANN JOHNSON, )  
Plaintiff, )  
vs. )  
GEICO CASUALTY COMPANY, )  
(Serve: Director of Insurance )  
301 W. High Street )  
Jefferson City, MO 65102) )  
Defendant. )  
CAUSE NO. \_\_\_\_\_

**PETITION**

COMES NOW Plaintiff, Jo Ann Johnson, by and through her attorneys, Edmundson, Richardson, Innes and Warren, and for her cause of action against the Defendant states to the Court as follows:

**COUNT I**

1. Plaintiff Jo Ann Johnson is and was at all times relevant hereto a resident of Carter County, Missouri.
2. Defendant is an insurance corporation duly authorized and licensed to do business as an insurance company in the State of Missouri, and maintains an office or agent for the transaction of its usual and customary business in Butler County, Missouri.
3. Defendant issues its policies of insurance and has agents for the conduct of its business, and the loss occurred in Butler County, Missouri. Venue is proper in this circuit pursuant to V.A.M.S. §508.040.
4. At all times relevant hereto, Plaintiff was the owner and had a special property interest in, and the right to use and possession of two motor vehicles described as a 1998 Chevrolet truck and a 2003 Ford Windstar.

5. That Plaintiff, for money paid, was the named insured of the motor vehicles described as a 1998 Chevrolet truck and a 2003 Ford Windstar, under a policy of insurance issued by Defendant, insuring against damage caused by underinsured motorists, with a policy limit of \$50,000.00 for each vehicle, for a total Policy Limits of \$100,000.00.

6. That on or about July 26, 2013, while said policy remained in full force and effect, Plaintiff was injured in an automobile vs. pedestrian accident which was the fault of an underinsured third party. The bodily injury to Plaintiff is within the coverage of the abovementioned policy.

7. The total amount of medical costs incurred by Plaintiff for the bodily injury is \$177,284.18.

8. Plaintiff made a report of the loss and a proof of loss to Defendant, and has complied with all conditions precedent pursuant to the abovementioned policy.

9. That the Defendant has failed to act in good faith and fair dealing and has refused to pay the Policy Limits available under the abovementioned policy for the bodily injury of Plaintiff.

10. Defendant's refusal to act in good faith was without just cause or excuse, was unreasonable as the facts would appear to a reasonable person at that time, was based on incorrect reasons, and the matters alleged for denial of payment of Policy Limits coverage were immaterial and were not in fact relied on by Defendant in denying payment of Policy Limits.

11. Defendant's refusal and delay are unreasonable, vexatious, and without reasonable cause and, therefore, pursuant to V.A.M.S. §375.296 and V.A.M.S. §375.420, Defendant is liable for interest from and after the date of submission of claim, penalties as provided by statute, costs of suit, and reasonable attorney's fees for vexatious refusal to pay.

WHEREFORE, Plaintiff prays this Court enter judgment against Defendant for damages relating to Plaintiff's bodily injury in an amount to be proven at trial, but is expected to exceed

\$100,000.00; for costs and attorney's fees expended herein, and for such other and further relief this Court deems just and proper.

**COUNT II**

12. Plaintiff restates and reincorporates herein each and every paragraph in Count I of this Petition.

13. Despite reasonable demand, Defendant has failed and refused to pay the Policy Limits for Plaintiff's covered losses, in breach of the policy and to Plaintiff's injury.

14. Defendant's refusal and delay are unreasonable, vexatious, and without reasonable cause and, therefore, pursuant to V.A.M.S. §375.296 and V.A.M.S. §375.420, Defendant is liable for interest from and after the date of submission of claim, penalties as provided by statute, costs of suit, and reasonable attorney's fees for vexatious refusal to pay.

WHEREFORE, Plaintiff prays for judgment against the Defendant, prejudgment interest and interest at the legal rate, statutory penalties for vexatious refusal to pay, attorney's fees, the costs of this action, and for such other and further relief as the Court shall deem just and proper.

Respectfully Submitted,

EDMUNDSON, RICHARDSON, INNES & WARREN  
Attorneys at Law

BY: /s/ Kyle L. Warren  
Kyle L. Warren #57654  
Post Office Box 1049  
Poplar Bluff, Missouri 63902-1049  
Telephone # 573/785-6416  
Fax # 573/785-2130  
E-mail: Kyle@edmundsonlawfirm.com

ATTORNEYS FOR PLAINTIFF



## IN THE 36TH JUDICIAL CIRCUIT COURT, BUTLER COUNTY, MISSOURI

Judge or Division: MICHAEL MARTIN PRITCHETT	Case Number: 14BT-CV01782
Plaintiff/Petitioner: JO ANN JOHNSON	Plaintiff's/Petitioner's Attorney/Address KYLE L WARREN P O BOX 1049 POPLAR BLUFF, MO 63902
vs. Defendant/Respondent: GEICO CASUALTY COMPANY	Court Address: 100 N MAIN ST POPLAR BLUFF, MO 63901
Nature of Suit: CC Breach of Contract	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: GEICO CASUALTY COMPANY

Alias:

DIRECTOR OF INSURANCE  
301 W HIGH ST  
JEFFERSON CITY, MO 65102



BUTLER COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

October 2, 2014

Date

/s/ Sheila Gore, Deputy Clerk

Cindi Bowman, Circuit Clerk by Sheila Gore, Deputy Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title) \_\_\_\_\_

 other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

## Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$._____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 36TH JUDICIAL CIRCUIT COURT, BUTLER COUNTY, MISSOURI

Judge or Division: MICHAEL MARTIN PRITCHETT	Case Number: 14BT-CV01782	RECEIVED OCT 10 2014 COLE COUNTY SHERIFF'S OFFICE CINDI BOWMAN CIRCUIT CLERK (Handwritten Stamp)
Plaintiff/Petitioner: JO ANN JOHNSON	Plaintiff's/Petitioner's Attorney/Address KYLE L WARREN P O BOX 1049 POPLAR BLUFF, MO 63902	
Defendant/Respondent: GEICO CASUALTY COMPANY	Court Address: 100 N MAIN ST POPLAR BLUFF, MO 63901	CINDI BOWMAN CIRCUIT CLERK (Handwritten Stamp)
Nature of Suit: CC Breach of Contract		

## Summons in Civil Case

The State of Missouri to: GEICO CASUALTY COMPANY Alias: DIRECTOR OF INSURANCE 301 W HIGH ST JEFFERSON CITY, MO 65102	OCT 20 2014
<p><b>COURT SEAL OF</b>    <b>BUTLER COUNTY</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>October 2, 2014  <input type="checkbox"/> Date  <input type="checkbox"/> Further Information:</p> <p>/s/ Sheila Gore, Deputy Clerk  Cindi Bowman, Circuit Clerk by Sheila Gore, Deputy Clerk</p>	

Sheriff's or Server's Return													
<p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input checked="" type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to <u>Don Lankau</u> (name) <u>DC Lankau</u> (title).</p> <p><input type="checkbox"/> other _____</p> <p>Served at <u>301 W High</u> (address)  in <u>St. Louis</u> (County/City of St. Louis), MO, on <u>10/14/14</u> (date) at <u>925 AM</u> (time).</p> <p><u>Greg White</u> Printed Name of Sheriff or Server <u>By [Signature]</u> Signature of Sheriff or Server</p>													
<p>Must be sworn before a notary public if not served by an authorized officer:</p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>(Seal)</p> <p>My commission expires: _____ Date _____ Notary Public _____</p>													
<p><b>Sheriff's Fees</b></p> <table> <tr> <td>Summons</td> <td>\$ _____</td> </tr> <tr> <td>Non Est</td> <td>\$ _____</td> </tr> <tr> <td>Sheriff's Deputy Salary</td> <td>\$ _____</td> </tr> <tr> <td>Supplemental Surcharge</td> <td>\$ <u>10.00</u></td> </tr> <tr> <td>Mileage</td> <td>\$ _____ ( _____ miles @ \$ _____ per mile)</td> </tr> <tr> <td>Total</td> <td>\$ _____</td> </tr> </table> <p><i>50/200</i></p> <p>A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>		Summons	\$ _____	Non Est	\$ _____	Sheriff's Deputy Salary	\$ _____	Supplemental Surcharge	\$ <u>10.00</u>	Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)	Total	\$ _____
Summons	\$ _____												
Non Est	\$ _____												
Sheriff's Deputy Salary	\$ _____												
Supplemental Surcharge	\$ <u>10.00</u>												
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)												
Total	\$ _____												

State of Missouri



Department of Insurance, Financial Institutions and  
Professional Registration

TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of CIRCUIT CLERK

GEICO CASUALTY COMPANY  
JOHN ZINNO  
ONE GEICO CENTER  
MACON, GA 31295

OCT 31 2014

FILED

RE: Court: Butler Co. Circuit Court, Case Number: 14BT-CV01782

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Insurance, Financial Institutions and Professional Registration of the state of Missouri, Dated at Jefferson City, Missouri this 14th day of October, 2014.

Director of Insurance, Financial Institutions  
and Professional Registration

AFFIDAVIT

State of Missouri,

ss.

County of Cole,

The undersigned Director of the Department of Insurance, Financial Institutions and Professional Registration or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on October 17, 2014 by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Insurance, Financial Institutions and  
Professional Registration

By: Kim Sanders

Subscribed and sworn to before me this 17<sup>th</sup> day of October, 2014

Kathryn Latimer  
Notary Public

My commission expires: March 4, 2016



KATHRYN LATIMER  
My Commission Expires  
March 4, 2016  
Cole County  
Commission #12418395

<b>SENDER: COMPLETE THIS SECTION</b>	
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach it to the back of the envelope, or on the front if space permits.</p> <p>4. Article Addressed to:</p>	
<p>GEICO CASUALTY COMPANY JOHN ZINNO ONE GEICO CENTER MACON, GA 31298</p>	
<p>5. Article Number <i>(Transfer from service label)</i></p>	
<p>6. PS Form 3811, February 2004</p>	
<p>7. Article Number <i>(Transfer from service label)</i></p>	
<p>8. Article Number <i>(Transfer from service label)</i></p>	
<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>9. Name _____</p>	
<p><input checked="" type="checkbox"/> X </p>	
<p>10. Payment Method _____</p>	
<p>11. Address _____</p>	
<p>12. Date of Delivery _____</p>	
<p>13. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>If YES, enter delivery address below:</p>	
<p>14. Delivery Type _____</p>	
<p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p>	
<p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p>	
<p><input type="checkbox"/> Internal Mail <input type="checkbox"/> D.O.D.</p>	
<p>15. Electronic Delivery <input type="checkbox"/> Yes</p>	
<p>16. Domestic Return Receipt <input type="checkbox"/> Yes</p>	
<p>17. PS Form 3811, February 2004</p>	
<p>18. Domestic Return Receipt <input type="checkbox"/> Yes</p>	
<p>19. PS Form 3811, February 2004</p>	
<p>20. PS Form 3811, February 2004</p>	

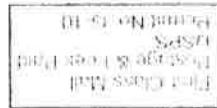
CINDI BOWMAN  
CIRCUIT CLERK

OCT 31 2014

FILED

U.S. DEPARTMENT OF INSURANCE, FINANCIAL  
REGULATIONS & PRACTICES  
REGISTRATION

• Sender, please print your name, address, and zip code in this box.



U.S. POSTAL SERVICE

WILLIAM C. SCHLIEPER 9/24/2014

166934

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6 CERTIFICATE OF OFFICER AND STATEMENT OF DEPOSITION CHARGES  
(Rule 57.03(g)(2)(a) & Sec. 492.590 RSMO 1985.)  
7 DEPOSITION OF WILLIAM C. SCHLIEPER  
SEPTEMBER 24, 2014

9 Name and address of person or firm having custody of the  
original transcript: Bryan E. Nickell  
10 Blanton, Rice, Nickell, Cozean & Collins  
219 S. Kingshighway  
P.O. Box 805  
11 Sikeston, Missouri 63801

12	TAXED IN FAVOR OF: Bryan E. Nickell TOTAL: \$ 352.75
13	TAXED IN FAVOR OF: Victor T. Avellino TOTAL: \$ 190.10
14	TAXED IN FAVOR OF: Sean P. Dolan TOTAL: \$ 190.10
15	TAXED IN FAVOR OF: Lindsay T. Leible TOTAL: \$ 190.10
16	TAXED IN FAVOR OF: Chris R. Hoell TOTAL: \$ 152.40

Upon delivery of transcript, the above charges had not yet  
been paid. It is required that all charges will be paid  
in the normal course of business.

ALICIA K. LEIGHTON  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Jefferson County  
My Commission Expires: April 19, 2018  
Commission Number: 14964336

Alicia K. Fughten  
NOTARY PUBLIC

24 My Commission Expires:

